

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S Old Harris Mill Road, 410' E of the  
c/1 York Road  
(811 Old Harris Mill Road)  
7<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District

Robert E. Grothe, Sr., et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-220-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Robert E. Grothe, Sr., and his wife, Dorothy I. Grothe. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

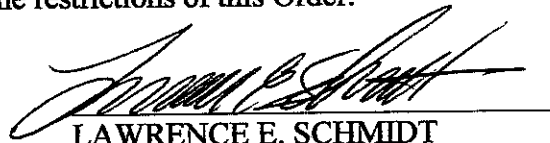
Pursuant to the posting of the property and the provisions of both the Baltimore

ORDER RECEIVED FOR FILING  
Date 11/1/99  
By [Signature]

County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11<sup>th</sup> day of January, 1999 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 1/11/99  
BY [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

January 7, 1999

Mr. & Mrs. Robert E. Grothe, Sr.  
811 Old Harris Mill Road  
Maryland Line, Maryland 21105

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
S/S Old Harris Mill Road, 410' E of the c/l York Road  
(811 Old Harris Mill Road)  
7th Election District – 3rd Councilmanic District  
Robert E. Grothe, Sr., et ux - Petitioners  
Case No. 99-220-A

Dear Mr. & Mrs. Grothe:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a long, sweeping horizontal stroke extending to the right.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel; Case File





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 811 Old Harris Mill Rd. Md. Line Md.  
which is presently zoned RESIDENTIAL R.C.-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 460.1 to permit an accessory structure in the front yard in lieu of the required rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Contract Purchaser/Lessee:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_

### Legal Owner(s):

Robert E. Grothe Sr.  
Name - Type or Print \_\_\_\_\_  
Robert E. Grothe Sr.  
Signature \_\_\_\_\_  
Dorothy I. Grothe  
Name - Type or Print \_\_\_\_\_  
Dorothy I. Grothe  
Signature \_\_\_\_\_ Work 410-859-7744  
811 Old Harris Mill Rd. Home 410-357-5870  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Maryland Line Md. 21105  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Representative to be Contacted:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

If a Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

\_\_\_\_\_  
Zoning Commissioner of Baltimore County

CASE NO. 99-220-A

Reviewed By AM Date 11/24/98

Estimated Posting Date 12/6/98

ORDER RECEIVED FOR FILING

DEC 24 1998

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 811 Old Harris Mill Rd.  
Address  
MARYLAND LINE MD. 21105  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

THE HARDSHIP OF A FURTHER SETBACK WOULD BE THE EXPENSE OF RELOCATION OF A 15' ROUND ABOVE GROUND SWIMMING POOL AND EXTENSION OF EXISTING DRIVEWAY

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert E. Grothe Sr.  
Signature  
Robert E. Grothe Sr.  
Name - Type or Print

Dorothy I. Grothe  
Signature  
Dorothy I. Grothe  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24<sup>th</sup> day of November, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert E. Grothe Sr. & Dorothy I. Grothe  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

November 24, 1998  
Date

Carolyn M. Miller  
Notary Public

My Commission Expires CAROLYN M. MILLER  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires May 18, 1999

# Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at 811 Old Harris Mill Rd.  
Address  
MARYLAND MD. 21105  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert E. Grothe Sr.  
Signature  
Robert E. Grothe SR  
Name - Type or Print

Dorothy I. Grothe  
Signature  
Dorothy I. Grothe  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24<sup>th</sup> day of November, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert E. Grothe Sr. + Dorothy I. Grothe  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

November 24, 1998  
Date

Carolyn M. Miller  
Notary Public

My Commission Expires CAROLYN M. MILLER  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires May 18, 1999



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 811 Old Harris Mill Rd. Md. Line Md.  
which is presently zoned RESIDENTIAL R.C.-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 to permit an accessory

structure in the front yard in lieu of the required rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Legal Owner(s):

Name - Type or Print Robert E. Grothe Sr.

Signature Robert E. Grothe Sr.

Name - Type or Print Dorothy I. Grothe

Signature Dorothy I. Grothe

Address 811 Old Harris Mill Rd. Telephone No. Work 410-859-7744  
Md. Line Md. Home 410-357-5870

City Md. Line Md. State Md. Zip Code 21105

## Representative to be Contacted:

Name \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

\_\_\_\_\_  
Zoning Commissioner of Baltimore County

CASE NO. 99-220-A

Reviewed By BR Date 11/24/98

REV 9/15/98

Estimated Posting Date 12/6/98

## **Zoning Description**

ZONING DESCRIPTION FOR 811 Old Harris Mill Road

Being at a point on the South side of  
Old Harris Mill Road which is 50 feet wide at the distance of  
410 feet ± East of the centerline improved intersection street  
York Road which is 66 feet wide. Being Lot # 2 in the subdivision  
of Etta V Hare as recored in Baltimore County Plat Book #45 ,  
Folio #82 containing 2.570 acres. Also known as  
811 Old Harris Mill Road and located in the 7th Election District,  
3rd Councilmanic District.

99-220-A

#220

4-055

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 062380

DATE 11/24/98 ACCOUNT Root-6150

AMOUNT \$ 50.00

RECEIVED FROM: Robert Gothe

FOR: Cable 010 Zoning Variance

DISTRIBUTION  
WHITE - CASHIER  
PINK - AGENCY  
YELLOW - CUSTOMER

Item # 230

PAID RECEIPT

PRICE \$  
11/25/1998 11/24/1998 15:14:00  
REG. 4803 CASHIER PIES NEW DRYER  
5 MISCELLANEOUS CASH RECEIPT  
Receipt # 064722  
CR. NO. 062380

50.00 CHECK  
Baltimore County, Maryland

99-220-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN. VAR.

AV  
12/21

RE. Case No: 99-220-A

Petitioner/Developer GROTHER, ETAL

Date of Hearing/Closing 12/21/98

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at #811-OLD HARRIS MILL RD.

The sign(s) were posted on

12/5/98  
(Month, Day, Year)



811 OLD HARRIS MILL RD

99-220-A

GROTHER

Sincerely,

Patrick M. O'Keefe 12/12/98  
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE  
(Printed Name)

523 PENNY LANE  
(Address)

HUNT VALLEY, MD. 21030  
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571  
(Telephone Number)

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**Case Number 99- 220 -AAddress 811 Old Harris Mill Rd.Contact Person: Bruno Rudaitis  
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11/24/98Posting Date: 12/6/98Closing Date: 12/21/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

---

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only****USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**Case Number 99- 220 -AAddress 811 Old Harris Mill Rd.Petitioner's Name GrotheTelephone 410-357-5870Posting Date: 12/6/98Closing Date: 12/21/98Wording for Sign: To Permit an accessory structure in the front yard  
in lieu of the required rear yard.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 220

Petitioner: Robert E. Grothe SR.

Location: 811 Old Harris Mill Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert E. Grothe SR.

ADDRESS: 811 Old Harris Mill Rd.

Maryland Line Md. 21105

PHONE NUMBER: 410-357-5870

AJ:ggs

**99-220-A**

(Revised 09/24/96)

#220



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

December 11, 1998

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 7, 1998

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

215, 217, 219, and 220

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: December 10, 1998

FROM: R. Bruce Seeley *R.B.S./es*  
Permits & Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee

Meeting for: December 7, 1998

The Department of Environmental Protection and Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 215  
216  
220  
221

12/21  
AV

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits  
and Development Management

**Date:** December 15, 1998

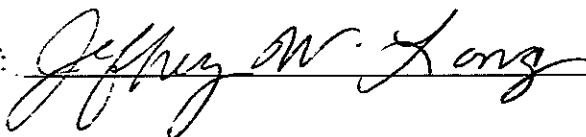
**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):  
Item No (s): 218, 220, 223, 224, 225, 226, 227, 228, 231, and 232

If there should be any questions or this office can provide additional information, please  
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

Date: 12.10.96

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 220 (BR)

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Acting Chief  
Engineering Access Permits Division

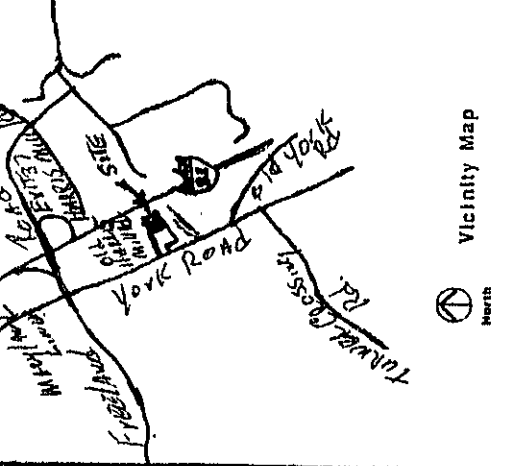
My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

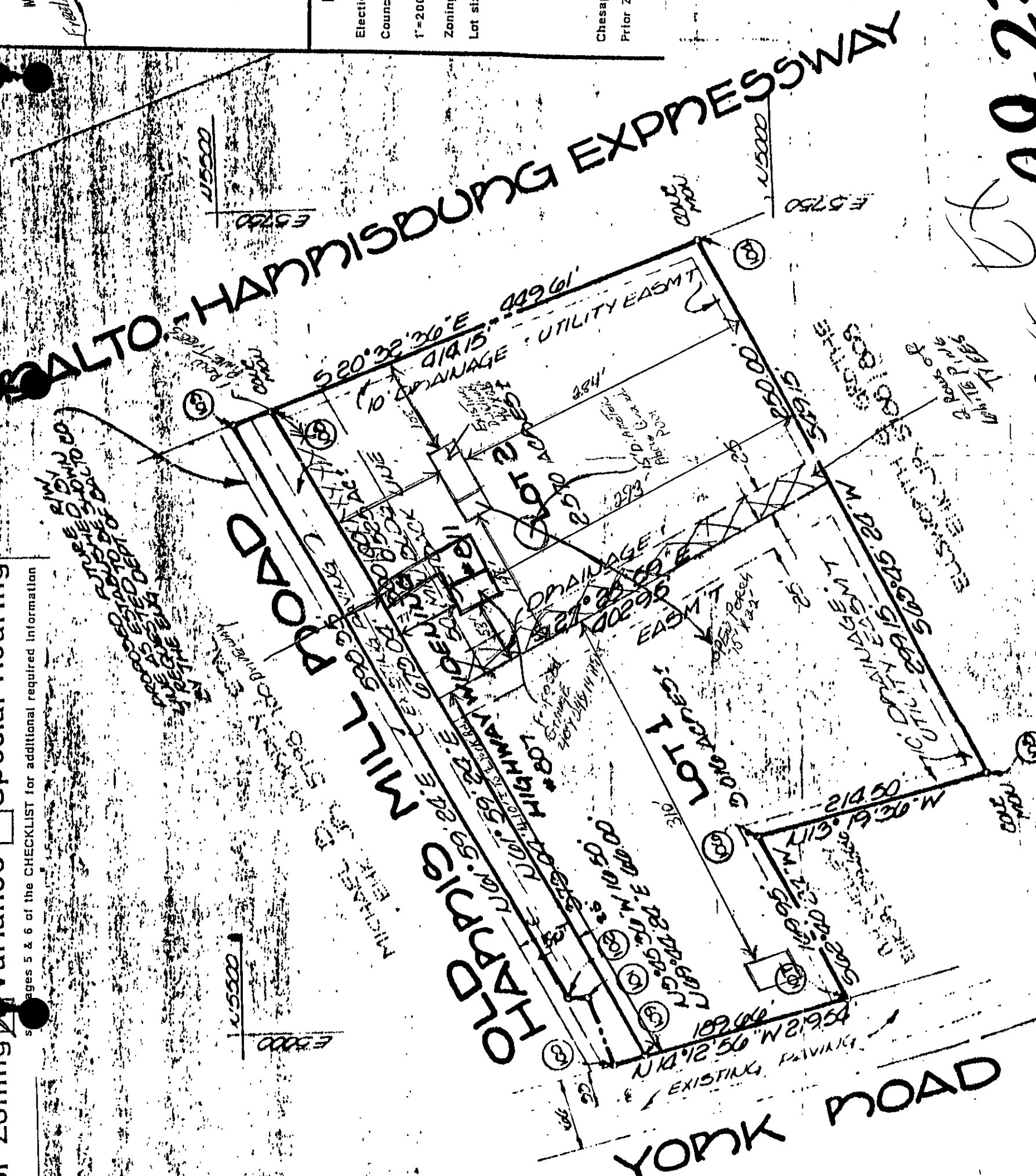
**Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717**  
**Street Address: 707 North Calvert Street • Baltimore, Maryland 21202**

Plat to accompany application for zoning variance. Pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 81101 HARRISBURG EXPRESSWAY  
Subdivision name: ETNA HARBOR  
plat book # 45, folio # 82, lot # 2, section # 1  
OWNER: ROBERT E & DOROTHY I GROTH SR.



LOCATION INFORMATION	
Election District: 7	3rd
Councilmanic District:	NW 34-E
1"=200' scale map#:	RC-5
Zoning:	19000 I
Lot size:	2.570 acreage
square feet	119000
SEWER:	<input type="checkbox"/> public <input type="checkbox"/> private
WATER:	<input type="checkbox"/> public <input type="checkbox"/> private
Chesapeake Bay Critical Area:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Prior Zoning Hearings:	None



EMK, JR. 45 FOLIO 82  
Filed for record  
Date DEC 6 1979  
Test

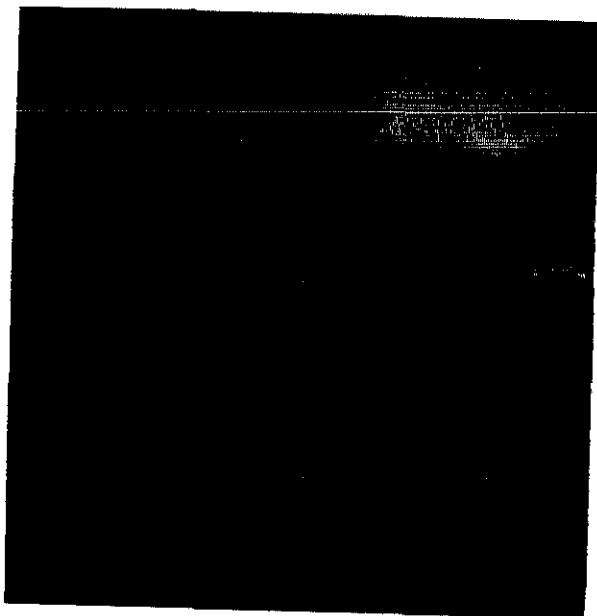
*[Signature]* Client

PROPERTY OF

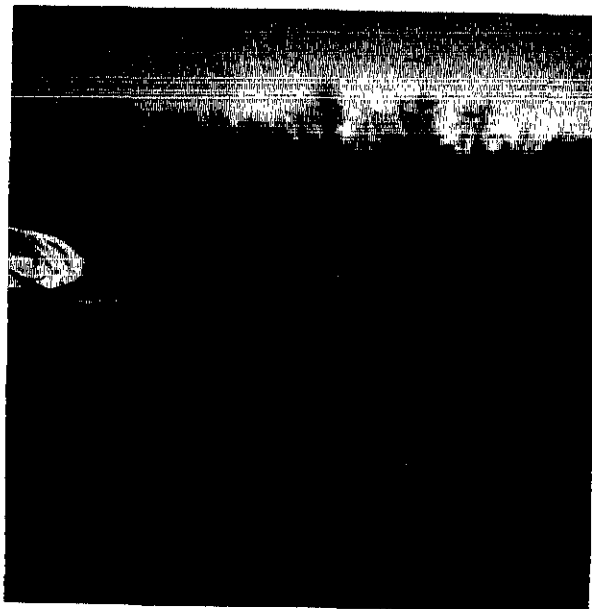
Scale: 1" = 100'

99-220-A

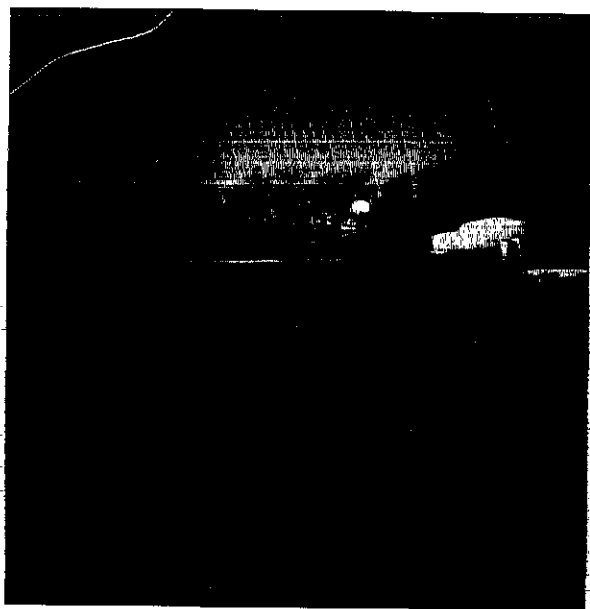
Zoning Office USE ONLY!  
reviewed by: ITEM #: CASE#:  
Ch



#220



#220



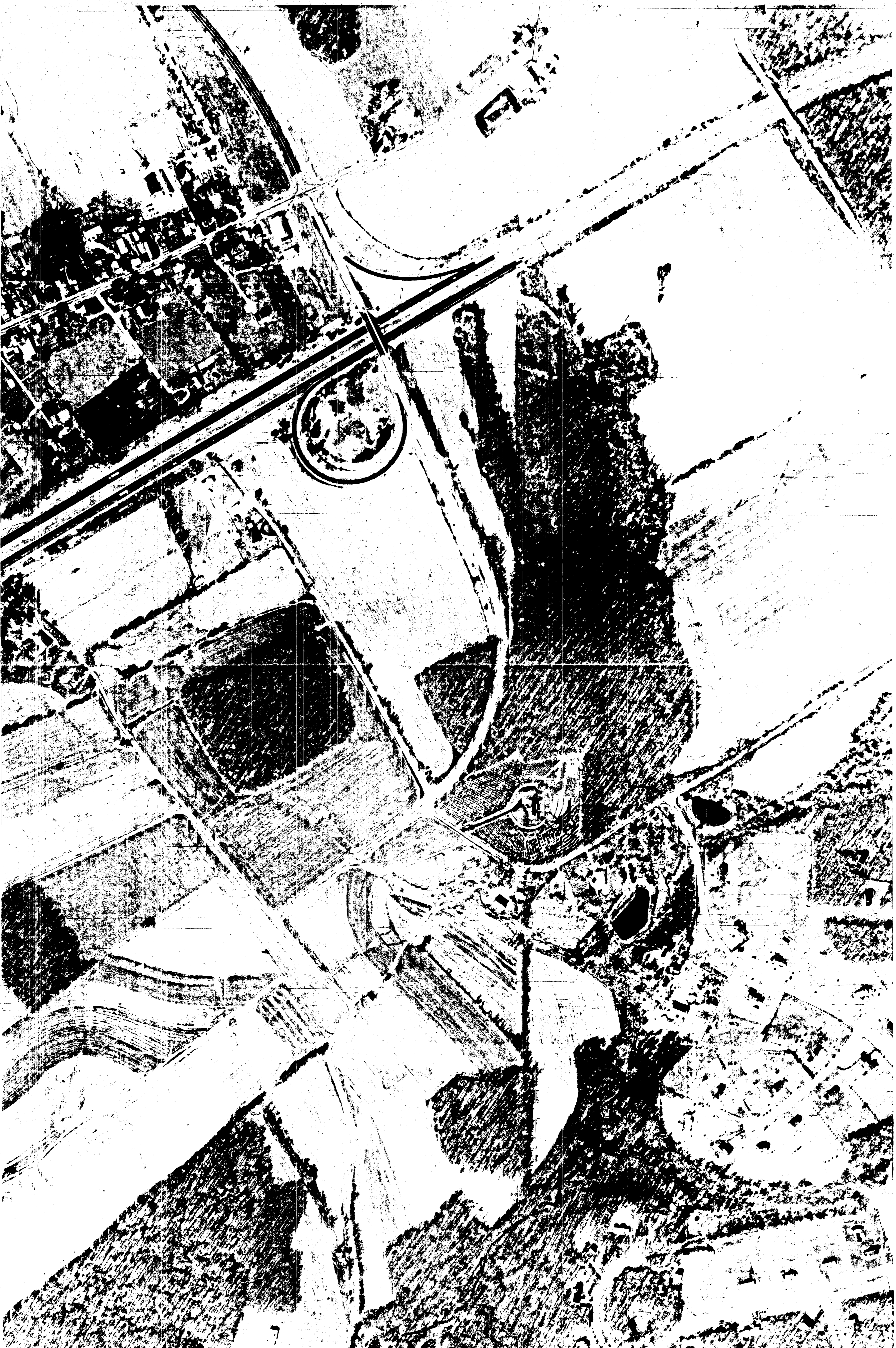
#220



#220

99-220-A





PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

09-2220-A BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
# 220 PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY JANUARY 1986	MARYLAND LINE	N.W. 39-B

MICROFILM